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Attorneys for Defendant.

DEVON CHRISTOPHER WENGER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

) Case No.: 4:23-CR-00269-JSW

) Judge Presiding: Hon. Jeffrey S. White

Plaintiff,

DEFENDANT DEVON

CHRISTOPHER WENGER'S

1) REQUEST FOR CONTINUANCE

DEVON CHRISTOPHER WENGER

1

V.

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Defendant

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TO THE HONORABLE COURT, ALL PARTIES, AND COUNSEL OF RECORD:

Defendant Devon Wenger, through undersigned counsel, respectfully moves this Court for a 21-day continuance in order to adequately prepare for the sentencing hearing currently scheduled for December 2, 2025. This request is made pursuant to the Court's

1 inherent authority to control its calendar and ensure the fair administration of justice. The
2 Government has been notified of this request.

3 **GROUND FOR CONTINUANCE**

4 1. Two Related Cases Are Being Coordinated for Sentencing Purposes 4:23-CR-
5 00268-JSW and 4:23-CR-00269-JSW.

6 Defendant is also a party to *United States v. Wenger* Case No. 4:23-CR-00268-JSW,
7 presently pending before this Court. Sentencing in that matter is being prepared by separate
8 counsel. The defense intends to seek coordinated sentencing consideration across both
9 cases due to overlapping factual circumstances and shared sentencing-related issues. The
10 Presentence Investigation Report (“Report”) was sent to undersigned counsel on October
11 28, 2025. Upon review of the Report, Defense position is that there are inconsistencies
12 between government’s position and statements, the facts of more than several “incidents”
13 being utilized by the government to elevate Defendant’s potential Guideline range, and
14 those associated elevated levels. There are also questions of law intertwined with the above
15 issues. Therefore, due to significant objections, additional time is needed to consult counsel
16 of record in 4:23-CR-00268-JSW, research the intertwining legal issues of the incidents
17 being utilized by the prosecution and the Guideline range, and researching within the
18 record those factual inconsistencies, which include factual omissions, in the government’s
19 statements of fact regarding the incidents it is utilizing to submit a Guideline range for
20 Defendant’s sentencing.

22 2. Counsel Scheduling Conflicts Require Additional Time to Confer.

23 Lead counsel in both matters must jointly confer to ensure aligned mitigation
24 submissions. Due to existing professional obligations, court appearances, and trial
25 schedules, counsel has been unable to complete the necessary joint review, strategy
26 discussions, and document exchanges in time to meet current deadlines.

1 3. Conflicting Scheduling on December 9, 2025.

2 Undersigned counsel has a Court appearance on December 9, 2025, specifically a
3 Pre-hearing Settlement Conference in *People v. Juan Pesina*, FESW2501665, Superior
4 Court, County of Riverside, where undersigned counsel is the sole counsel representing
5 Defendant Pesina for the conference.

6 4. Conflicting Scheduling on December 16, 2025.

7 Undersigned counsel has a scheduling conflict due to religious observance of the
8 Jewish Holiday of Chanuka. Undersigned counsel lives in Los Angeles and, based on a late
9 afternoon or early evening plane flight as well as the availability of flights, would miss
10 candle lighting with his family.

11 5. The Government's Position Requires Additional Research and Response.

12 The Government's current sentencing position appears to rely on certain factual
13 assertions that defense contends were not proven at trial, some of which were actually
14 rebutted through evidence and testimony and involve conduct not directly tied to the
15 offenses of conviction. Defense counsel must conduct targeted legal research, review the
16 record, and prepare sentencing objections and evidentiary clarifications responsive to those
17 points to adequately represent Defendant.

18 6. Additional Time Will Assist the Court.

19 A short continuance will allow the Court to receive complete, well-supported, and
20 coordinated sentencing briefing, which will materially assist in resolution of contested
21 issues under 18 U.S.C. § 3553(a) and avoid inconsistent sentencing recommendations
22 across related proceedings. This short continuance will not prejudice the Government or
23 this Court, Defendant is incarcerated.

24 II. REQUESTED RELIEF

25 Defendant respectfully requests that the Court continue the sentencing hearing for
26 21 days, or to a date convenient for the Court, in order to permit: (1) Joint defense

1 consultation between counsel in both cases; (2) Completion of legal research and
2 preparation of objections to Government sentencing positions; and (3) Consolidation and
3 organization of relevant records and mitigation submissions.

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5 **III. CONCLUSION**

6 For the foregoing reasons, Defendant respectfully requests that the Court grant a 21-
7 day continuance of the sentencing hearing and adjust related briefing deadlines
8 accordingly.

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10 Respectfully submitted,

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12 DATED: November 05, 2025

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/s/
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DATED: November 05, 2025

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